IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04-07-2006

CORAM :

THE HONOURABLE MR.JUSTICE A. KULASEKARAN

W.P. No. 10715 of 2000

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The Tamil Nadu Municipalities and
Sanitary Supervisors Association
(Regn.No.1069/79)
rep. by its General Secretary
M. Velayudham
No.30, Ranganathan Street
Kitchipalayam
Salem - 636 015 .. Petitioner

Versus

1. State of Tamil Nadu
   rep. by Special Secretary to
   the Government
   Finance (FC) Department
   Fort St. George
   Madras - 600 009

2. Municipal Corporation of Salem
   rep. by its Commissioner
   Salem

3. Municipal Corporation of Tiruchirapalli
   rep. by its Commissioner
   Tiruchirapalli

4. Municipal Corporation of Tirunelveli
   rep. by its Commissioner
   Tirunelveli

5. Corporation of Coimbatore
   rep. by its Commissioner
   Coimbatore

6. Corporation of Madurai
   rep. by its Commissioner
   Madurai .. Respondents

Petition filed under Article 226 of The Constitution of India praying for a Writ of Certiorarified Mandamus as stated therein.

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For Petitioners : Ms. G. Ramapriya

For Respondent : Mr. K. Elango
Special Government Pleader for R1
Mr. G. Sankaran for R2
Mr. P. Srinivas for RR3 and 5
Mr. R. Venkatakrishnan

ORDER

The prayer in this writ petition is for a Writ of Certiorarified Mandamus calling for the records of the first respondent in connection with Letter NO.70962/PC/98-1 dated 1st March 1999 and quash the said letter dated 01.03.1999 and direct the respondents to pay the same scale of Rs.975-1660 to the members of the petitioner Association and corresponding pay scale of the VI pay commission with retrospective effect from the date of such revisions.

2. Heard the counsel on either side. The petitioner has challenged the order of the first respondent refusing to revise the scale of pay to Rs.975-1660 of the members of the petitioner association.

3. The members of the petitioner's association are employed as sanitary supervisors under the respondents 2 to 5; that they approached the respondents to fix their salary on par with bill collectors and junior assistants, which was rejected by the impugned order, hence the present writ petition.

4. The learned counsel appearing for the petitioner submits that till the III pay commission, the Bill collectors were drawing the same scale of pay as of Sanitary Supervisors; that all the sanitary supervisors are stagnated in the said post for more than 20 to 25 years; that subsequent to recommendations of IV Pay Commission, the scale of pay of the bill collectors increased, whereas, the same enhancement was not extended to the sanitary supervisors; that when they approached the Government to fix the same scale of pay on par with the bill collectors and junior assistants, the same was denied, hence the present writ petition has been filed.

5. Mr. P. Srinivas, learned counsel appearing for the third respondent, relying on the counter affidavit submitted that as per the new corporation service Rules, which came into effect from 01.10.1996, the post of Bill Collector is being filled up by transfer from the cadre of Junior Assistant, who have completed the period of probation; that for the post of Junior assistant, higher qualifications were prescribed thereby a pass in +2 examination and (ii) a pass in typewriting - in any one in Higher Grade and other in Lower Grade are required; that pay commission

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increased the scale of pay of bill collectors after careful examination of the nature of each post, the service conditions etc., however, the Government is the authority to fix the scale of pay for various category of posts. The learned counsel for the third respondent also brought to the notice of this Court the decision of a division bench of this Court reported in (The Tamil Nadu Electricity Board, rep. by its Secretary and another vs. Tamil Nadu Electricity Board Engineers Association, Electricity Avenue, rep. by its General Secretary G. Balakrishnan, Chennai) 2005 1 MLJ 507 wherein in Para-16, it was held thus:-

> "16. It may be mentioned that fixing of pay scales and salaries is a complicated matter and it is for the executive authority to decide, as they only have the expertise in this matter. Ordinarily, it is not proper for the Courts to interfere in these types of matters, as Courts do not have such expertise."

6. In this case, the claim of the petitioner association was rejected by the Government by passing the impugned order stating that the post of bill collectors is being filled up by transfer from the post of junior assistants, who have completed the period of probation and higher qualifications were also prescribed to the said post of Junior Assistants namely (i) a pass in +2 examination and (ii) a pass in typewriting - in any one in Higher Grade and other in Lower Grade is required; that pursuant to the directions issued by this Court in WP No. 6059 of 1998 dated 21.08.1998, the Government has constituted a committee for revision of of pay scales and after careful consideration of the recommendations made by the said committee rejected the request of the petitioner. Moreover, the Division Bench of this Court in the decision cited supra held that fixation of pay scales and salaries is a complicated matter and it is for the executive authority to decide, as they only have the expertise in this matter. Ordinarily, it is not proper for the Courts to interfere in these types of matters, as Courts do not have such expertise.

7. The reasons assigned by the first respondent in the impugned order rejecting the claim of the petitioner is perfectly valid, hence, the relief sought for by the petitioner cannot be granted. The writ petition is dismissed. No costs.

rsh

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

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